

Chapter 27

MINI-WAREHOUSES

Sec. 27-1. Definition.

The term "mini-warehouse" as used in this chapter shall mean any storage facility containing multiple storage units or rooms which do not exceed 40 feet in length and 20 feet in width and which are available to the general public for rental under circumstances where the tenant or lessee has sole control over the property that is stored in such units or rooms.

(Code 1968, § 27½-1; Ord. No. 76-145, § 1(1), 2-3-76)

Sec. 27-2. License required.

No person shall own or operate a mini-warehouse without a license as herein provided. Any person who owns or operates a mini-warehouse at more than one location shall be required to obtain a license for each separate location. In the event the operator of any location is not the owner of such location, both the owner and operator shall be co-licensees for each such location.

(Code 1968, § 27½-2; Ord. No. 76-145, § 1(2), 2-3-76)

Sec. 27-3. License application and issuance.

(a) Any person desiring a license required by this chapter shall make application therefor in writing to the tax assessor-collector on a form provided by the city for that purpose stating where the business is to be located and the residential addresses of the owner and the operator. Such application shall be subscribed and sworn to before an officer authorized to administer oaths. Such application shall state that neither the applicant nor any business partner, nor, in the case of a corporation, any corporate officer, have had a license revoked under any city ordinance governing the business described herein.

(b) Upon the receipt of such application, the tax assessor-collector shall investigate the items in the application. If neither the applicant, his business partners, nor any corporate officers have had a license revoked as described above, the tax

assessor-collector shall notify the applicant that it has been approved and shall issue a license to the applicant upon payment of the license fee.

(c) If the city tax assessor-collector rejects the application, he shall give written notice, by certified mail, return receipt requested, to the applicant at the address stated in the application. The applicant shall have 30 days from the date of mailing thereof to appeal the rejection of his application to the city council by filing written notice of such appeal with the city secretary. Upon receipt of such notice, the city council shall hear evidence regarding the rejection of the application and shall, based upon the preponderance of the evidence, sustain or overrule such rejection. The city council shall give written notice of its action within ten days of its decision and such decision shall be final.

(Code 1968, § 27½-3; Ord. No. 76-145, § 1(3), 2-3-76)

Sec. 27-4. License fees.

The license fee for mini-warehouse operators shall be \$50.00 per year for each mini-warehouse location proposed to be operated by the applicant. All such fees are payable on or before the first day of January of each year and each such license will expire on December thirty-first of each year. If a permit is granted subsequent to January first, the fee shall be paid pro rata for the balance of the year, and any portion of a month shall be considered as an entire month in calculating the fee to be charged.

(Code 1968, § 27½-4; Ord. No. 76-145, § 1(4), 2-3-76)

Sec. 27-5. Records required.

Every person licensed as a mini-warehouse operator shall cause to be kept at his place of business a record of each rental or lease transaction, listing the date, the number of the unit rented, the name and address of the lessee, and the lessee's driver's license number. The record shall be written legibly in ink and shall be kept

neat and clean. All records provided for in this section shall be retained for three years and shall be available and open for inspection during regular business hours by any police officer of the city or by any authorized representative of the city tax assessor-collector. It shall be unlawful for any person coming within the terms of this section to fail to keep or display the records as provided.

(Code 1968, § 27½-5; Ord. No. 76-145, § 1(5), 2-3-76)

Sec. 27-6. License revocation.

(a) Upon written verified complaint filed by any person with the tax assessor-collector setting out facts alleging that any licensee under this chapter has, since the license was granted, violated the provisions of this chapter, or any state or federal statute involving the criminal offense of theft, or violated the provisions of section 37.09 or 37.10 of the Texas Penal Code, or that the licensee falsified his original application for a license, the tax assessor-collector shall investigate the allegations.

(b) Based on his investigation, the tax assessor-collector shall determine whether just cause exists for a hearing on revocation.

(c) If just cause exists for a hearing on revocation of a license herein, the tax assessor-collector shall notify the licensee in writing by certified mail, return receipt requested, that a revocation hearing will be conducted at a specified time and place with reference to such complaint. A copy of the verified complaint shall be included, notifying the licensee of the allegations against him.

(d) At the hearing conducted by the tax assessor-collector or his authorized agent, all parties may present evidence and may be represented by licensed attorneys. All parties may question opposing witnesses.

(e) Based on a preponderance of the evidence, the tax assessor-collector or his authorized agent shall determine, whether the license should be revoked. A written copy of the decision shall be sent to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days.

(f) In the event that the licensee's license is revoked, such licensee may appeal the revocation to city council by notifying the city secretary in writing within 14 days after the revocation. A hearing before the city council shall be set as soon as practicable. Failure to appeal within 14 days shall render the tax assessor-collector's decision final.

(g) At the hearing conducted by city council, all parties shall have the right to be represented by a licensed attorney and shall have the right to cross-examine opposing witnesses. After hearing the evidence presented by both sides, the city council shall, based on a preponderance of the evidence, render its decision. A copy of the decision shall be sent to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days. This shall conclude the licensee's administrative remedies and city council's action shall be final.

(Code 1968, § 27½-7; Ord. No. 76-145, § 1(7), 2-3-76)